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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/203,004	02/28/1994	DAVID BERD	1225/0C674	2699

28977 7590 05/26/2006

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EXAMINER

ART UNIT PAPER NUMBER

DATE MAILED: 05/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

1. The Appeal Brief filed on April 9, 2002 in response to the Miscellaneous Letter of March 12, 2002 is acknowledged and has been entered.

2. The Appeal Brief is defective because the Brief does not comply with the requirements of 37 CFR 1.192 because:

(1) Although Section (1) of the Brief is drawn to The Real Party in Interest, the recitation of the real party in interest is unclear. Although Appellant states that Avax is a (emphasis added) real party in interest because it has an exclusive license from TJU, it is unclear whether there are other real parties of interests. Clarity is required because the identification of the real party in interest will allow members of the Board to comply with ethics regulations associated with working in matters in which the member has a financial interest to avoid any potential conflict of interest.

(2) Although Section (3) of the Brief is drawn to the Status of the Claims and discloses that claims 43, 44, 47, 49-62, 64-72, 74-77 are pending and that the final rejection of all of these claims is the subject of the Brief, the Status of the Status of the Claims section is required to disclose the status of all the claims in the application, i.e. for each claim in the case, appellant must state whether it is cancelled, allowed, rejected, etc and each claim on appeal must be identified [see MPEP 1206, APPEAL BRIEF CONTENT (3)].

(3) Although Section (6) of the Brief is drawn to the Issues, the section is not a concise statement of the issues presented for review as required. In particular, a concise statement of the issues presented for review is required. Each stated issue should correspond to a separate ground of rejection which appellant wishes the Board of Patent Appeals and Interferences to review. While the statement of the issues must be concise, it should not be so concise as

to omit the basis of each issue. For example, a statement such as, e.g., "Whether claims 1 and 2 are unpatentable under 35 U.S.C. 103 over Smith in view of Jones," would comply with 37 CFR 1.192(c)(6). The statement should be limited to the issues presented, and should not include any argument concerning the merits of those issues [see MPEP 1206, APPEAL BRIEF CONTENT (6)].

(4) Although Section (9) of the Brief is drawn to the Appendix, the copy of the claims does not appear to be double spaced as required [see MPEP 1206, APPEAL BRIEF CONTENT (9)].

3. To avoid dismissal of the appeal, appellant must submit an appeal brief in compliance with the requirements of these sections within the longest of any of the following TIME PERIODS: (1) ONE MONTH or THIRTY DAYS, whichever is longer, from the mailing of this communication; (2) within the time period for reply to the action from which appeal has been taken; or, (3) within two months from the date of the notice of appeal under 37 CFR 1.191. Extensions of these time periods may be granted under 37 CFR 1.136.

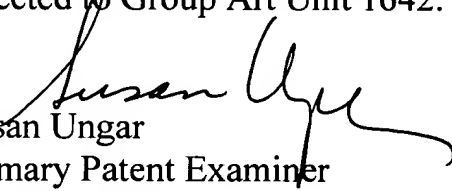
4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susan Ungar, PhD whose telephone number is (571) 272-0837. The examiner can normally be reached on Monday through Friday from 7:30am to 4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Siew, can be reached at 571-272-0787. The fax phone number for this Art Unit is (571) 273-8300.

Effective, February 7, 1998, the Group and/or Art Unit location of your application in the PTO has changed. To aid in correlating any papers for this

Art Unit: 1642

application, all further correspondence regarding this application should be directed to Group Art Unit 1642.


Susan Ungar
Primary Patent Examiner
May 18, 2006